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Attorneys for Plaintiff
HUGO SLUIMER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HUGO SLUIMER,

Plaintiff,

v.

VERITY, INC., a corporation, and THE
VERITY INC. CHANGE IN CONTROL
AND SEVERANCE BENEFIT PLAN,

Defendants.

Case No. C 081220 SI

**DECLARATION OF CLIFF
PALEFSKY IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES**

Date: September 26, 2008
Time: 9:00 a.m.
Courtroom: 10, 19th Floor
Before: Hon. Susan Illston

I, Cliff Palefsky, declare as follows:

1. I am an attorney duly licensed to practice in the State of California and am one of

1 the attorneys for Plaintiff Hugo Sluimer. I have personal knowledge of the facts set forth below and
2 could competently testify as to those facts if called upon to do so.

3 2. I am a partner at the law firm of McGuinn, Hillsman & Palefsky, and have been a
4 member of the California Bar since 1977. I obtained my Bachelor of Arts degree from the State
5 University of New York at Buffalo in 1974. I received my law degree from the Georgetown
6 University Law Center in 1977, where I served as a member of the American Criminal Law Review
7 from 1976 to 1977.

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9 3. My practice with the law firm of McGuinn, Hillsman & Palefsky consists almost
10 exclusively of employment cases. I have litigated hundreds of employment cases on behalf of
11 employees. I was a co-founder of the National Employment Lawyers Association and was on the
12 executive board of the California Employment Lawyers Association for over 10 years. I have
13 served as a consulting editor and co-author for CEB's *Wrongful Employment Termination Practice*,
14 and have authored numerous articles on employment law. I am a member of the Advisory Board
15 of the Employee Rights and Employment Policy Journal. I am a fellow of the College of Labor and
16 Employment Lawyers. I have been identified as one of the leading employment lawyers in
17 California and the country in several publications, including the National Law Journal, the
18 Recorder, the San Francisco Chronicle, and Best Lawyers in America.

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21 4. Almost all of the work that I do is on a contingency basis. However, my hourly
22 billing rate is \$610 per hour. I am familiar with hourly billing rates charged by attorneys in the Bay
23 Area, based upon my review of declarations filed in other cases by attorneys seeking an award of
24 attorneys fees; based on surveys I have read of hourly billing rates in the Bay Area; and based on
25 discussions I have had with other attorneys in the Bay Area. Based on my familiarity with the
26 hourly rates charged by other Bay Area attorneys, it is my opinion and belief that my hourly billing
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1 rate of \$610 is below the market rate for attorneys in the Bay Area with my experience and
2 reputation.

3 5. As of August 8, 2008, I had spent approximately 7.3 hours working on this case.
4 Attached as Exhibit A are time records reflecting the hours I worked on this matter. At an hourly
5 rate of \$610 per hour, this amounts to \$4,453.
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7 I declare under penalty of perjury that the foregoing is true and correct, and that this
8 Declaration was executed on August 20, 2008 in San Francisco, California.

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10 /s/
11 Cliff Palefsky
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Sluimer v. Verity, Inc

Cliff Palefsky Hours

2007		
3/13	conv w/ Hugo, KE	.3
4/2	call Andy Kanter	.1
4/3	call from Andy's secty.	.1
4/6	conv w/ Andy Kanter, review docs.	.4
4/25	review email re: affidavit; conv w/ KE	.3
5/2	review ltr. to Dan F.	.2
6/6	conv w/ KE re: ERISA	.3
6/11	conv w/ KE re: ERISA	.3
6/14	read Hugo emails; conv w/ KE	.4
8/6	conv w/ KE	.1
8/28	conv w/ KE; review email to Hugo	.2
9/11	KE email	.1
9/20	conv w/ KE re: co-counsel	.2
10/10	conv w/ KE re: co-counsel	.2
10/11	conv w/ KE re: complaint plans	.2
11/19	conv w/ KE	.2
12/5	review emails to Hugo	.2
2008		
1/4	conv w/ KE	.1
2/13	email to Hugo	.1
2/14	conv w/ KE	.2

3/28	convs w/ Reilly	.2
4/29	review KE memo	.3
5/2	conv w/ KE re: SJ	.2
5/22	read docs. from Reilly/ADR order	.3
6/23	convs w/ KE, Bill	.2
7/7	conv w/ KE re: MSJ	.2
7/9	read briefs	.5
7/18	attend SJ hearing	1.2
Total		7.3 hrs